

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 J, Closed Area No. 28-B, Spruce Head Island, South Thomaston to Thorndike Point, South Thomaston, promulgated on December 6, 1996, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 J, Closed Area No. 28-B, Spruce Head Island, South Thomaston to Thorndike Point, South Thomaston.

Effective immediately, because of pollution, it shall be unlawful, to dig, take or possess any clams, mussels, oysters, or quahogs from the shores, flats and waters of the following two areas:

1. The flats and waters of Seal Harbor that lie inside (northeasterly) of a line beginning at a red painted post located on the western shore of Seal Harbor. This stake is situated on the shore about 400 yards south of the northern end of Seal Harbor at the town line. From this stake the line runs southerly to the northern end of Slins Island; then running southeasterly to the southern tip of Burnt Island; then running northeasterly to the navigation target on the eastern end of Spruce Head Island; AND inshore and westerly of a line beginning at the northeastern most point on Spruce Head Island and running northwesterly to the northeastern most tip of Elwell Point; then running northerly to the northern tip of the next prominent (unnamed) point; then continuing northerly to the end of the wooden pier on the southern end of Watermans Beach in the town of South Thomaston.
2. Inside and west of a line drawn northwest from the northern most point of the unnamed point located 350 yards north of Thorndike Point in the town of South Thomaston to the end of the old stone pier at Pleasant Beach in the town of South Thomaston.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: June 22, 2001

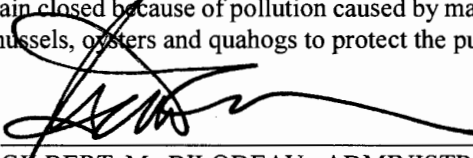
AGENCY CONTACT PERSON: Amy M Fitzpatrick
Department of Marine Resources
McKown Point Road
West Boothbay Harbor, Maine 04575

THE COURIER GAZETTE
June 28, 2001

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 J, Closed Area No. 28-B, Spruce Head Island, South Thomaston to Thorndike Point, South Thomaston promulgated on, December 6, 1996, and replaces it with a new rule. This new rule opens the Watermans Beach area to shellfish harvesting and at the same time closes the Pleasant Beach area to shellfish harvesting.

Department personnel have sampled and surveyed the flats and waters in this area and have determined that shellfish in this new open area are no longer subject to biological pollution and can be harvested without threat to public Health. The intertidal area at Pleasant Beach must remain closed because of pollution caused by malfunctioning septic systems. This closure prohibits the harvest of clams, mussels, oysters and quahogs to protect the public health.


GILBERT M. BILODEAU, ADMINISTRATIVE OFFICER
FOR GEORGE LAPOINTE, COMMISSIONER, AS
AUTHORIZED BY 12 MRSA SECTION 6023

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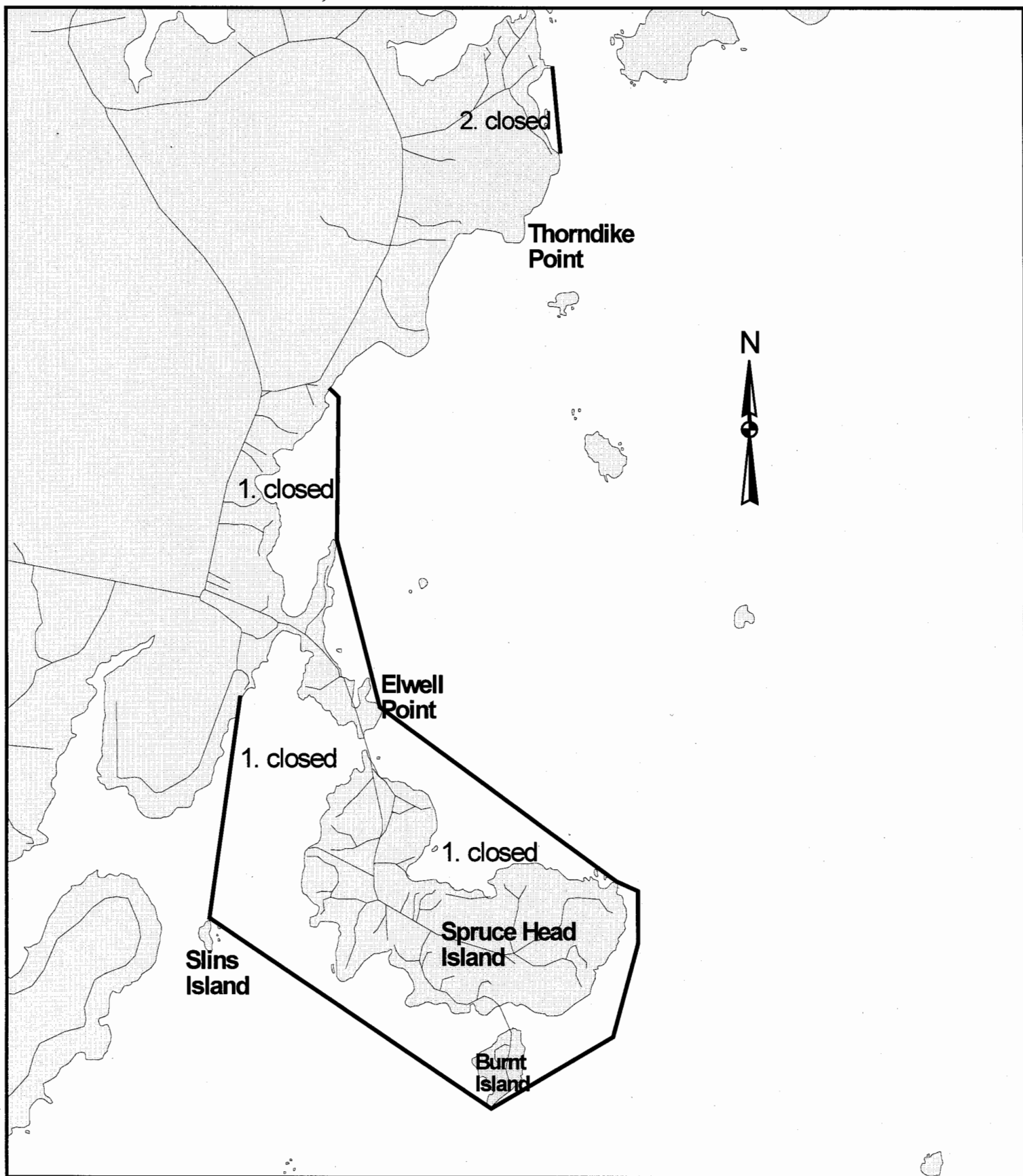


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area C28B

06/22/01

**C28B, Spruce Head Island, South Thomaston
to Pleasant Beach, South Thomaston**



0.3 0 0.3 0.6 Miles